

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**JAMES W. SMITH, Jr., on his own  
behalf and on behalf of those  
similarly situated,**

Plaintiff,

v.

**QUESTAR CAPITAL CORPORATION,  
YORKTOWN FINANCIAL COMPANIES,  
INC., and ALLIANZ LIFE INSURANCE  
COMPANIES of NORTH AMERICA,**  
Defendants.

Case No: **12-cv-02669 (SRN/TNL)**

**ORDER GRANTING AWARD OF  
ATTORNEYS' FEES AND  
REIMBURSEMENT OF EXPENSES**

This matter comes before the Court on motion for attorneys' fees and reimbursement of expenses by Plaintiff's counsel. The Court, having heard arguments of counsel for the parties at the Final Approval Hearing, having reviewed Plaintiff's Motion for Award of Attorneys' Fees and Expenses and all other materials submitted, having considered all of the files, records, and proceedings in the Action, and being otherwise fully advised:

**IT IS HEREBY ORDERED THAT:**

1. As stated in Plaintiff's motion for attorneys' fees and reimbursement of expenses, the Settlement Notice sent to the Settlement Class Members indicated that Plaintiff's Counsel may request up to 30% of the Settlement Amount as an award of attorneys' fees. No Settlement Class Member objected to that percentage and Plaintiff's Counsel requested \$900,000.00 for attorneys' fees.

2. Additionally, the Settlement Agreement provides for reimbursement of out of pocket litigation costs incurred by Plaintiff's counsel totaling \$13,575.75

3. Having reviewed Plaintiff's Counsels' request, and based on the full record in this case, the Court finds Settlement Class Counsels' request of \$913,575.75 for attorneys' fees and expenses to be reasonable. Accordingly, the Court awards Plaintiff's Counsel \$913,575.75 for attorneys' fees and expenses. This amount is to be divided between Gustafson Gluck PLLC and Scarlett & Hirsch, P.A. in such manner as they agree.

4. The Settlement Agreement also provides for reimbursement for the costs of administration by the Court appointed settlement administrator, A.B. Data, Ltd., in the amount of \$13,244.34. Accordingly, the Court awards reimbursement of \$13,244.34 to be paid to A.B. Data, Ltd. for its administration of the settlement fund.

5. Finally, the Court also grants Plaintiff's request for an incentive award in the amount of \$1,000.

**IT IS SO ORDERED.**

Dated: September 11, 2015

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Court Judge